

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 113

## **HOUSE BILL 2478**

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-2314.01, 16-153 AND 28-454, ARIZONA  
REVISED STATUTES; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-483, Arizona Revised Statutes, is amended to read:

11-483. Records maintained by county recorder; confidentiality; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the COUNTY recorder to prohibit access to that person's residential address and telephone number contained in instruments or writings recorded by the county recorder.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:

1. The person's full legal name and residential address.

2. The full legal description and parcel number of the person's property.

3. The position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.

4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that restricting access pursuant to this section will serve to reduce the danger.

5. The document locator number and recording date of each instrument for which the person requests access restriction pursuant to this section.

6. A copy of pages from each instrument that includes the document locator number and the person's full legal name and residential address or full legal name and telephone number.

C. If an eligible person is also requesting pursuant to section 11-484 that the general public be prohibited from accessing records maintained by the county assessor and county treasurer, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-484 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and section 11-484.

D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent a multiplicity of filings, an eligible person who is a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer,

1 or to the head of the prosecuting, public defender, code enforcement, law  
2 enforcement, corrections or detention agency, as applicable, or that person's  
3 designee, who shall file the affidavits at one time. In the absence of an  
4 affidavit that contains a request for immediate action and that is supported  
5 by facts justifying an earlier presentation, the commanding officer, or the  
6 head of the prosecuting, public defender, code enforcement, law enforcement,  
7 corrections or detention agency, as applicable, or that person's designee,  
8 shall not file affidavits more often than quarterly.

9 E. On receipt of an affidavit or affidavits, the presiding judge of  
10 the superior court shall file with the clerk of the superior court a petition  
11 on behalf of all requesting affiants. Each affidavit presented shall be  
12 attached to the petition. In the absence of an affidavit that contains a  
13 request for immediate action and that is supported by facts justifying an  
14 earlier consideration, the presiding judge may accumulate affidavits and file  
15 a petition at the end of each quarter.

16 F. The presiding judge of the superior court shall review the petition  
17 and each attached affidavit to determine whether the action requested by each  
18 affiant should be granted. If the presiding judge of the superior court  
19 concludes that the action requested by the affiant will reduce a danger to  
20 the life or safety of the affiant or another person, the presiding judge of  
21 the superior court shall order that the COUNTY recorder prohibit access for  
22 five years to the affiant's residential address and telephone number  
23 contained in instruments or writings recorded by the county recorder and made  
24 available on the internet. If the presiding judge of the superior court  
25 concludes that the affiant or another person is in actual danger of physical  
26 harm from a person or persons with whom the affiant has had official dealings  
27 and that action pursuant to this section will reduce a danger to the life or  
28 safety of the affiant or another person, the presiding judge of the superior  
29 court shall order that the general public be prohibited for five years from  
30 accessing the unique identifier and the recording date contained in indexes  
31 of recorded instruments maintained by the county recorder and identified  
32 pursuant to subsection B of this section.

33 G. On motion to the court, if the presiding judge of the superior  
34 court concludes that an instrument or writing recorded by the county recorder  
35 has been redacted or sealed in error, that the original affiant no longer  
36 lives at the address listed in the original affidavit, that the cause for the  
37 original affidavit no longer exists or that temporary access to the  
38 instrument or writing is needed, the presiding judge may temporarily stay or  
39 permanently vacate all or part of the court order prohibiting public access  
40 to the recorded instrument or writing.

41 H. On entry of the court order, the clerk of the superior court shall  
42 file the court order and a copy of the affidavit required by subsection B of  
43 this section with the county recorder. No more than ten days after the date  
44 on which the county recorder receives the court order, the county recorder

1 shall restrict access to the information as required by subsection F of this  
2 section.

3 I. If the court denies an affiant's request pursuant to this section,  
4 the affiant may request a court hearing. The hearing shall be conducted by  
5 the court in the county where the petition was filed.

6 J. The COUNTY recorder shall remove the restrictions on all records  
7 restricted pursuant to this section by January 5 in the year after the court  
8 order expires. THE COUNTY RECORDER SHALL SEND BY MAIL ONE NOTIFICATION TO  
9 EITHER THE PEACE OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT  
10 OFFICER, CORRECTIONS OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER  
11 OR LAW ENFORCEMENT SUPPORT STAFF MEMBER OR THE EMPLOYING AGENCY OF A PEACE  
12 OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER, CORRECTIONS  
13 OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT  
14 SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS SECTION OF THE  
15 ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE EXPIRATION DATE. IF  
16 THE NOTICE IS SENT TO THE EMPLOYING AGENCY, THE EMPLOYING AGENCY SHALL  
17 IMMEDIATELY NOTIFY THE PERSON WHO WAS GRANTED THE ORDER OF THE UPCOMING  
18 EXPIRATION DATE. THE COUNTY RECORDER MAY COORDINATE WITH THE COUNTY ASSESSOR  
19 AND COUNTY TREASURER TO PREVENT MULTIPLE NOTICES FROM BEING SENT TO THE SAME  
20 PERSON.

21 K. To include subsequent recordings in the court order, the eligible  
22 person shall present to the county recorder at the time of recordation a  
23 certified copy of the court order or shall provide to the county recorder the  
24 recording number of the court order. The COUNTY recorder shall ensure that  
25 public access shall be restricted pursuant to subsection A of this section.

26 L. This section shall not be interpreted to restrict access to public  
27 records for the purposes of perfecting a lien pursuant to title 12, chapter  
28 9, article 2.

29 M. This section does not prohibit access to the records of the county  
30 recorder by parties to the instrument, a title insurer, a title insurance  
31 agent or an escrow agent licensed by the department of insurance or the  
32 department of financial institutions.

33 N. For the purposes of this section:

34 1. "Code enforcement officer" means a person who is employed by a  
35 state or local government and whose duties include performing field  
36 inspections of buildings, structures or property to ensure compliance with  
37 and enforce national, state and local laws, ordinances and codes.

38 2. "Commissioner" means a commissioner of the superior court.

39 3. "Corrections support staff member" means an adult or juvenile  
40 corrections employee who has direct contact with inmates.

41 4. "Eligible person" means a peace officer, justice, judge,  
42 commissioner, public defender, prosecutor, code enforcement officer, adult or  
43 juvenile corrections officer, corrections support staff member, probation  
44 officer, member of the board of executive clemency, law enforcement support  
45 staff member, national guard member who is acting in support of a law

1 enforcement agency, person who is protected under an order of protection or  
2 injunction against harassment, OR firefighter who is assigned to the Arizona  
3 counterterrorism center in the department of public safety ~~or victim of~~  
4 ~~domestic violence or stalking who is protected under an order of protection~~  
5 ~~or injunction against harassment.~~

6 5. "Indexes" means only those indexes that are maintained by and  
7 located in the office of the county recorder, that are accessed  
8 electronically and that contain information beginning from and after January  
9 1, 1987.

10 6. "Judge" means a judge of the United States district court, the  
11 United States court of appeals, the United States magistrate court, the  
12 United States bankruptcy court, the Arizona court of appeals, the superior  
13 court or a municipal court.

14 7. "Justice" means a justice of the United States or Arizona supreme  
15 court or a justice of the peace.

16 8. "Law enforcement support staff member" means a person who serves in  
17 the role of an investigator or prosecutorial assistant in an agency that  
18 investigates or prosecutes crimes, who is integral to the investigation or  
19 prosecution of crimes and whose name or identity will be revealed in the  
20 course of public proceedings.

21 9. "Peace officer" means any person vested by law, or formerly vested  
22 by law, with a duty to maintain public order and make arrests.

23 10. "Prosecutor" means a county attorney, a municipal prosecutor, the  
24 attorney general or a United States attorney and includes an assistant or  
25 deputy United States attorney, county attorney, municipal prosecutor or  
26 attorney general.

27 11. "Public defender" means a federal public defender, county public  
28 defender, county legal defender or county contract indigent defense counsel  
29 and includes an assistant or deputy federal public defender, county public  
30 defender or county legal defender.

31 ~~12. "Stalking" means the course of conduct prescribed in section~~  
32 ~~13-2923.~~

33 ~~13. "Victim of domestic violence" means a person who is a victim of an~~  
34 ~~offense defined in section 13-3601.~~

35 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:

36 11-484. Records maintained by county assessor and county  
37 treasurer; redaction; definitions

38 A. Notwithstanding any other provision of this article, in any county  
39 an eligible person may request that the general public be prohibited from  
40 accessing that person's residential address and telephone number that are  
41 contained in instruments, writings and information maintained by the county  
42 assessor and the county treasurer.

43 B. An eligible person may request this action by filing an affidavit  
44 that states all of the following on an application form developed by the  
45 administrative office of the courts in agreement with an association of

1 counties, an organization of peace officers and the motor vehicle division of  
2 the department of transportation:

3 1. The person's full legal name and residential address.

4 2. The full legal description and parcel number of the person's  
5 property.

6 3. The position the person currently holds and a description of the  
7 person's duties, except that an eligible person who is protected under an  
8 order of protection or injunction against harassment shall attach a copy of  
9 the order of protection or injunction against harassment.

10 4. The reasons the person reasonably believes that the person's life  
11 or safety or that of another person is in danger and that redacting the  
12 residential address and telephone number will serve to reduce the danger.

13 C. If an eligible person is also requesting pursuant to section 11-483  
14 that the general public be prohibited from accessing records maintained by  
15 the county recorder, the eligible person may combine the request pursuant to  
16 subsection B of this section with the request pursuant to section 11-483 by  
17 filing one affidavit. The affidavit and subsequent action by the appropriate  
18 authorities shall meet all of the requirements of this section and section  
19 11-483.

20 D. The affidavit shall be filed with the presiding judge of the  
21 superior court in the county in which the affiant resides. To prevent a  
22 multiplicity of filings, an eligible person who is a peace officer, public  
23 defender, prosecutor, code enforcement officer, corrections or detention  
24 officer, corrections support staff member or law enforcement support staff  
25 member shall deliver the affidavit to the peace officer's commanding officer,  
26 or to the head of the prosecuting, public defender, code enforcement, law  
27 enforcement, corrections or detention agency, as applicable, or that person's  
28 designee, who shall file the affidavits at one time. In the absence of an  
29 affidavit that contains a request for immediate action and that is supported  
30 by facts justifying an earlier presentation, the commanding officer, or the  
31 head of the prosecuting, public defender, code enforcement, law enforcement,  
32 corrections or detention agency, as applicable, or that person's designee,  
33 shall not file affidavits more often than quarterly.

34 E. On receipt of an affidavit or affidavits, the presiding judge of  
35 the superior court shall file with the clerk of the superior court a petition  
36 on behalf of all requesting affiants. Each affidavit presented shall be  
37 attached to the petition. In the absence of an affidavit that contains a  
38 request for immediate action and that is supported by facts justifying an  
39 earlier consideration, the presiding judge may accumulate affidavits and file  
40 a petition at the end of each quarter.

41 F. The presiding judge of the superior court shall review the petition  
42 and each attached affidavit to determine whether the action requested by each  
43 affiant should be granted. If the presiding judge of the superior court  
44 concludes that the action requested by the affiant will reduce a danger to  
45 the life or safety of the affiant or another person, the presiding judge of

1 the superior court shall order the redaction of the affiant's residential  
2 address and telephone number that are contained in instruments, writings and  
3 information maintained by the county assessor and the county treasurer. The  
4 redaction shall be in effect for five years.

5 G. On motion to the court, if the presiding judge of the superior  
6 court concludes that an instrument or writing maintained by the county  
7 assessor or the county treasurer has been redacted or sealed in error, that  
8 the original affiant no longer lives at the address listed in the original  
9 affidavit, that the cause for the original affidavit no longer exists or that  
10 temporary access to the instrument or writing is needed, the presiding judge  
11 may temporarily stay or permanently vacate all or part of the court order  
12 prohibiting public access to the instrument or writing.

13 H. On entry of the court order, the clerk of the superior court shall  
14 file the court order and a copy of the affidavit required by subsection B of  
15 this section with the county assessor and the county treasurer. No more than  
16 ten days after the date on which the county assessor and the county treasurer  
17 receive the court order, the county assessor and the county treasurer shall  
18 restrict access to the information as required by subsection F of this  
19 section.

20 I. If the court denies an affiant's request pursuant to this section,  
21 the affiant may request a court hearing. The hearing shall be conducted by  
22 the court in the county where the petition was filed.

23 J. The county assessor and the county treasurer shall remove the  
24 restrictions on all records that are redacted pursuant to this section by  
25 January 5 in the year after the court order expires. THE COUNTY ASSESSOR OR  
26 THE COUNTY TREASURER SHALL SEND BY MAIL ONE NOTIFICATION TO EITHER THE PEACE  
27 OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER, CORRECTIONS  
28 OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT  
29 SUPPORT STAFF MEMBER OR THE EMPLOYING AGENCY OF A PEACE OFFICER, PUBLIC  
30 DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER, CORRECTIONS OR DETENTION  
31 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT SUPPORT STAFF  
32 MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS SECTION OF THE ORDER'S  
33 EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE EXPIRATION DATE. IF THE  
34 NOTICE IS SENT TO THE EMPLOYING AGENCY, THE EMPLOYING AGENCY SHALL  
35 IMMEDIATELY NOTIFY THE PERSON WHO WAS GRANTED THE ORDER OF THE UPCOMING  
36 EXPIRATION DATE. THE COUNTY ASSESSOR OR COUNTY TREASURER MAY COORDINATE WITH  
37 THE COUNTY RECORDER TO PREVENT MULTIPLE NOTICES FROM BEING SENT TO THE SAME  
38 PERSON.

39 K. For the purposes of this section:

40 1. "Code enforcement officer" means a person who is employed by a  
41 state or local government and whose duties include performing field  
42 inspections of buildings, structures or property to ensure compliance with  
43 and enforce national, state and local laws, ordinances and codes.

44 2. "Commissioner" means a commissioner of the superior court.

1           3. "Corrections support staff member" means an adult or juvenile  
2 corrections employee who has direct contact with inmates.

3           4. "Eligible person" means a peace officer, justice, judge,  
4 commissioner, public defender, prosecutor, code enforcement officer, adult or  
5 juvenile corrections officer, corrections support staff member, probation  
6 officer, member of the board of executive clemency, law enforcement support  
7 staff member, national guard member who is acting in support of a law  
8 enforcement agency, person who is protected under an order of protection or  
9 injunction against harassment, OR firefighter who is assigned to the Arizona  
10 counterterrorism center in the department of public safety ~~or victim of~~  
11 ~~domestic violence or stalking who is protected under an order of protection~~  
12 ~~or injunction against harassment.~~

13           5. "Judge" means a judge of the United States district court, the  
14 United States court of appeals, the United States magistrate court, the  
15 United States bankruptcy court, the Arizona court of appeals, the superior  
16 court or a municipal court.

17           6. "Justice" means a justice of the United States or Arizona supreme  
18 court or a justice of the peace.

19           7. "Law enforcement support staff member" means a person who serves in  
20 the role of an investigator or prosecutorial assistant in an agency that  
21 investigates or prosecutes crimes, who is integral to the investigation or  
22 prosecution of crimes and whose name or identity will be revealed in the  
23 course of public proceedings.

24           8. "Peace officer" means any person vested by law, or formerly vested  
25 by law, with a duty to maintain public order and make arrests.

26           9. "Prosecutor" means a county attorney, a municipal prosecutor, the  
27 attorney general or a United States attorney and includes an assistant or  
28 deputy United States attorney, county attorney, municipal prosecutor or  
29 attorney general.

30           10. "Public defender" means a federal public defender, county public  
31 defender, county legal defender or county contract indigent defense counsel  
32 and includes an assistant or deputy federal public defender, county public  
33 defender or county legal defender.

34           ~~11. "Stalking" means the course of conduct prescribed in section~~  
35 ~~13-2923.~~

36           ~~12. "Victim of domestic violence" means a person who is a victim of an~~  
37 ~~offense defined in section 13-3601.~~

38           Sec. 3. Section 13-2314.01, Arizona Revised Statutes, is amended to  
39 read:

40           13-2314.01. Anti-racketeering revolving fund; use of fund;  
41 reports

42           A. ~~There is established an~~ THE anti-racketeering revolving fund ~~to be~~  
43 ~~administered by~~ IS ESTABLISHED. The attorney general SHALL ADMINISTER THE  
44 FUND under the conditions and for the purposes provided by this section.  
45 Monies in the fund are exempt from the lapsing provisions of section 35-190.



1 B. Any prosecution and investigation costs, including attorney fees,  
2 recovered for the state by the attorney general as a result of enforcement of  
3 civil and criminal statutes pertaining to any offense included in the  
4 definition of racketeering in section 13-2301, subsection D, paragraph 4 or  
5 section 13-2312, whether by final judgment, settlement or otherwise, shall be  
6 deposited in the fund established by this section.

7 C. Any monies received by any department or agency of this state or  
8 any political subdivision of this state from any department or agency of the  
9 United States or another state as a result of participation in any  
10 investigation or prosecution, whether by final judgment, settlement or  
11 otherwise, shall be deposited in the fund established by this section or, if  
12 the recipient is a political subdivision of this state, may be deposited in  
13 the fund established by section 13-2314.03.

14 D. Any monies obtained as a result of a forfeiture by any department  
15 or agency of this state under this title or under federal law shall be  
16 deposited in the fund established by this section. Any monies or other  
17 property obtained as a result of a forfeiture by any political subdivision of  
18 this state or the federal government may be deposited in the fund established  
19 by this section. Monies deposited in the fund pursuant to this section or  
20 section 13-4315 shall accrue interest and shall be held for the benefit of  
21 the agency or agencies responsible for the seizure or forfeiture to the  
22 extent of their contribution. Except as provided in subsections F and G of  
23 this section the monies and interest shall be distributed within thirty days  
24 of application to the agency or agencies responsible for the seizure or  
25 forfeiture. Monies in the fund used by the attorney general for capital  
26 projects in excess of one million dollars are subject to review by the joint  
27 committee on capital review.

28 E. Monies in the fund may be used for THE FOLLOWING:

29 1. The funding of gang prevention programs, substance abuse prevention  
30 programs, substance abuse education programs and witness protection pursuant  
31 to section 41-196 or for any purpose permitted by federal law relating to the  
32 disposition of any property that is transferred to a law enforcement agency.  
33 ~~Monies in the fund may be used for~~

34 2. The investigation and prosecution of any offense included in the  
35 definition of racketeering in section 13-2301, subsection D, paragraph 4 or  
36 section 13-2312, including civil enforcement.

37 3. THE PAYMENT OF THE RELOCATION EXPENSES OF ANY LAW ENFORCEMENT  
38 OFFICER AND THE OFFICER'S IMMEDIATE FAMILY IF THE LAW ENFORCEMENT OFFICER IS  
39 THE VICTIM OF A BONA FIDE THREAT THAT OCCURRED BECAUSE OF THE LAW ENFORCEMENT  
40 OFFICER'S DUTIES.

41 F. On or before January 15, April 15, July 15 and October 15 of each  
42 year, each department or agency of this state receiving monies pursuant to  
43 this section or section 13-2314.03 or 13-4315 or from any department or  
44 agency of the United States or another state as a result of participation in  
45 any investigation or prosecution shall file with the attorney general a

1 report for the previous calendar quarter. The report shall be in a form that  
2 is prescribed by the Arizona criminal justice commission and approved by the  
3 director of the joint legislative budget committee. The report shall set  
4 forth the sources of all monies and all expenditures. The report shall not  
5 include any identifying information about specific investigations. If a  
6 department or agency of this state fails to file a report within forty-five  
7 days after the report is due and there is no good cause as determined by the  
8 Arizona criminal justice commission, the attorney general shall make no  
9 expenditures from the fund for the benefit of the department or agency until  
10 the report is filed. The attorney general is responsible for collecting all  
11 reports from departments and agencies of this state and transmitting the  
12 reports to the Arizona criminal justice commission at the time that the  
13 report required pursuant to subsection G of this section is submitted.

14 G. On or before January 25, April 25, July 25 and October 25 of each  
15 year, the attorney general shall file with the Arizona criminal justice  
16 commission a report for the previous calendar quarter. The report shall be  
17 in a form that is prescribed by the Arizona criminal justice commission and  
18 approved by the director of the joint legislative budget committee. The  
19 report shall set forth the sources of all monies and all expenditures. The  
20 report shall not include any identifying information about specific  
21 investigations. If the attorney general fails to file a report within sixty  
22 days after the report is due and there is no good cause as determined by the  
23 Arizona criminal justice commission, the attorney general shall make no  
24 expenditures from the fund for the benefit of the attorney general until the  
25 report is filed. If a political subdivision of this state fails to file a  
26 report with the county attorney pursuant to section 13-2314.03 within  
27 forty-five days after the report is due and there is no good cause as  
28 determined by the Arizona criminal justice commission, the attorney general  
29 shall make no expenditures from the fund for the benefit of the political  
30 subdivision until the report is filed.

31 H. On or before January 30, April 30, July 30 and October 30 of each  
32 year, the Arizona criminal justice commission shall compile the attorney  
33 general report and the reports of all departments and agencies of this state  
34 into a single comprehensive report and shall submit a copy of the report to  
35 the governor, with copies to the director of the department of  
36 administration, the president of the senate, the speaker of the house of  
37 representatives and the director of the joint legislative budget committee.

38 Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to read:

39 16-153. Voter registration; confidentiality; definitions

40 A. Eligible persons, and any other registered voter who resides at the  
41 same residence address as the eligible person, may request that the general  
42 public be prohibited from accessing the residential address, telephone number  
43 and voting precinct number contained in their voter registration record.

44 B. Eligible persons may request this action by filing an affidavit  
45 that states all of the following on an application form developed by the

1 administrative office of the courts in agreement with an association of  
2 counties and an organization of peace officers:

3 1. The person's full legal name, residential address and date of  
4 birth.

5 2. The position the person currently holds and a description of the  
6 person's duties, except that an eligible person who is protected under an  
7 order of protection or injunction against harassment shall instead attach a  
8 copy of the order of protection or injunction against harassment.

9 3. The reasons for reasonably believing that the person's life or  
10 safety or that of another person is in danger and that sealing the  
11 residential address, telephone number and voting precinct number of the  
12 person's voting record will serve to reduce the danger.

13 C. The affidavit shall be filed with the presiding judge of the  
14 superior court in the county in which the affiant resides. To prevent a  
15 multiplicity of filings, an eligible person who is a peace officer,  
16 prosecutor, public defender, code enforcement officer, corrections or  
17 detention officer, corrections support staff member or law enforcement  
18 support staff member shall deliver the affidavit to the peace officer's  
19 commanding officer, or to the head of the prosecuting, public defender, code  
20 enforcement, law enforcement, corrections or detention agency, as applicable,  
21 or that person's designee, who shall file the affidavits at one time. In the  
22 absence of an affidavit that contains a request for immediate action and is  
23 supported by facts justifying an earlier presentation, the commanding  
24 officer, or the head of the prosecuting, public defender, code enforcement,  
25 law enforcement, corrections or detention agency, as applicable, or that  
26 person's designee, shall not file affidavits more often than quarterly.

27 D. Upon receipt of an affidavit or affidavits, the presiding judge of  
28 the superior court shall file with the clerk of the superior court a petition  
29 on behalf of all requesting affiants. The petition shall have attached each  
30 affidavit presented. In the absence of an affidavit that contains a request  
31 for immediate action and that is supported by facts justifying an earlier  
32 consideration, the presiding judge may accumulate affidavits and file a  
33 petition at the end of each quarter.

34 E. The presiding judge of the superior court shall review the petition  
35 and each attached affidavit to determine whether the action requested by each  
36 affiant should be granted. The presiding judge of the superior court shall  
37 order the sealing for five years of the information contained in the voter  
38 record of the affiant and, on request, any other registered voter who resides  
39 at the same residence address if the presiding judge concludes that this  
40 action will reduce a danger to the life or safety of the affiant.

41 F. The recorder shall remove the restrictions on all voter records  
42 submitted pursuant to subsection E of this section by January 5 in the year  
43 after the court order expires. THE COUNTY RECORDER SHALL SEND BY MAIL ONE  
44 NOTIFICATION TO EITHER THE PEACE OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE  
45 ENFORCEMENT OFFICER, CORRECTIONS OR DETENTION OFFICER, CORRECTIONS SUPPORT

1 STAFF MEMBER OR LAW ENFORCEMENT SUPPORT STAFF MEMBER OR THE EMPLOYING AGENCY  
2 OF A PEACE OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER,  
3 CORRECTIONS OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW  
4 ENFORCEMENT SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS  
5 SECTION OF THE ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE  
6 EXPIRATION DATE. IF THE NOTICE IS SENT TO THE EMPLOYING AGENCY, THE  
7 EMPLOYING AGENCY SHALL IMMEDIATELY NOTIFY THE PERSON WHO WAS GRANTED THE  
8 ORDER OF THE UPCOMING EXPIRATION DATE. THE COUNTY RECORDER MAY COORDINATE  
9 WITH THE COUNTY ASSESSOR AND COUNTY TREASURER TO PREVENT MULTIPLE NOTICES  
10 FROM BEING SENT TO THE SAME PERSON.

11 G. Upon entry of the court order, the clerk of the superior court  
12 shall file the court order with the county recorder. Upon receipt of the  
13 court order the county recorder shall seal the voter registration of the  
14 persons listed in the court order no later than one hundred twenty days from  
15 the date of receipt of the court order. To include a subsequent voter  
16 registration in the court order, a person listed in the court order shall  
17 present to the county recorder at the time of registration a certified copy  
18 of the court order or shall provide the county recorder the recording number  
19 of the court order. The information in the registration shall not be  
20 disclosed and is not a public record.

21 H. If the court denies an affiant's requested sealing of the voter  
22 registration record, the affiant may request a court hearing. The hearing  
23 shall be conducted by the court where the petition was filed.

24 I. On motion to the court, if the presiding judge of the superior  
25 court concludes that a voter registration record has been sealed in error or  
26 that the cause for the original affidavit no longer exists, the presiding  
27 judge may vacate the court order prohibiting public access to the voter  
28 registration record.

29 J. Upon request by a person who is protected under an order of  
30 protection or injunction against harassment and presentation of an order of  
31 protection issued pursuant to section 13-3602, an injunction against  
32 harassment issued pursuant to section 12-1809 or an order of protection or  
33 injunction against harassment issued by a court in another state, the county  
34 recorder shall seal the voter registration record of the person who is  
35 protected and, on request, any other registered voter who resides at the  
36 residence address of the protected person. The record shall be sealed no  
37 later than one hundred twenty days from the date of receipt of the court  
38 order. The information in the registration shall not be disclosed and is not  
39 a public record.

40 K. For the purposes of this section:

41 1. "Code enforcement officer" means a person who is employed by a  
42 state or local government and whose duties include performing field  
43 inspections of buildings, structures or property to ensure compliance with  
44 and enforce national, state and local laws, ordinances and codes.

45 2. "Commissioner" means a commissioner of the superior court.

1           3. "Corrections support staff member" means an adult or juvenile  
2 corrections employee who has direct contact with inmates.

3           ~~4. "Domestic violence" has the same meaning prescribed in section~~  
4 ~~20-448.~~

5           ~~5. 4. "Eligible person" means a peace officer, justice, judge,~~  
6 ~~commissioner, public defender, prosecutor, code enforcement officer, adult or~~  
7 ~~juvenile corrections officer, corrections support staff member, probation~~  
8 ~~officer, member of the board of executive clemency, law enforcement support~~  
9 ~~staff member, national guard member who is acting in support of a law~~  
10 ~~enforcement agency, person who is protected under an order of protection or~~  
11 ~~injunction against harassment, OR firefighter who is assigned to the Arizona~~  
12 ~~counterterrorism center in the department of public safety or victim of~~  
13 ~~domestic violence or stalking who is protected under an order of protection~~  
14 ~~or injunction against harassment.~~

15           ~~6. 5. "Judge" means a judge of the United States district court, the~~  
16 ~~United States court of appeals, the United States magistrate court, the~~  
17 ~~United States bankruptcy court, the Arizona court of appeals, the superior~~  
18 ~~court or a municipal court.~~

19           ~~7. 6. "Justice" means a justice of the United States or Arizona~~  
20 ~~supreme court or a justice of the peace.~~

21           ~~8. 7. "Law enforcement support staff member" means a person who~~  
22 ~~serves in the role of an investigator or prosecutorial assistant in an agency~~  
23 ~~that investigates or prosecutes crimes, who is integral to the investigation~~  
24 ~~or prosecution of crimes and whose name or identity will be revealed in the~~  
25 ~~course of public proceedings.~~

26           ~~9. 8. "Prosecutor" means a United States attorney, a county attorney,~~  
27 ~~a municipal prosecutor or the attorney general and includes an assistant or~~  
28 ~~deputy United States attorney, county attorney, municipal prosecutor or~~  
29 ~~attorney general.~~

30           ~~10. 9. "Public defender" means a federal public defender, county~~  
31 ~~public defender, county legal defender or county contract indigent defense~~  
32 ~~counsel and includes an assistant or deputy federal public defender, county~~  
33 ~~public defender or county legal defender.~~

34           ~~11. "Stalking" means the course of conduct prescribed in section~~  
35 ~~13-2923.~~

36           ~~12. "Victim of domestic violence" means a person who is a victim of an~~  
37 ~~offense defined in section 13-3601.~~

38           Sec. 5. Section 28-454, Arizona Revised Statutes, is amended to read:

39           28-454. Records maintained by department of transportation;  
40 redaction; definitions

41           A. Notwithstanding sections 28-447 and 28-455, an eligible person may  
42 request that persons be prohibited from accessing the person's residential  
43 address and telephone number contained in any record maintained by the  
44 department.

1           B. An eligible person may request this action by filing an affidavit  
2 that states all of the following on an application form developed by the  
3 administrative office of the courts in agreement with an association of  
4 counties, an organization of peace officers and the department:

5           1. The person's full legal name and residential address.

6           2. The position the person currently holds and a description of the  
7 person's duties, except that an eligible person who is protected under an  
8 order of protection or injunction against harassment shall attach a copy of  
9 the order of protection or injunction against harassment.

10          3. The reasons the person reasonably believes that the person's life  
11 or safety or that of another person is in danger and that redacting the  
12 residential address and telephone number from the department's public records  
13 will serve to reduce the danger.

14          C. The affidavit shall be filed with the presiding judge of the  
15 superior court in the county in which the affiant resides. To prevent a  
16 multiplicity of filings, an eligible person who is a peace officer,  
17 prosecutor, code enforcement officer, corrections or detention officer,  
18 corrections support staff member or law enforcement support staff member  
19 shall deliver the affidavit to the peace officer's commanding officer, or to  
20 the head of the prosecuting, code enforcement, law enforcement, corrections  
21 or detention agency, as applicable, or that person's designee, who shall file  
22 the affidavits at one time. In the absence of an affidavit that contains a  
23 request for immediate action and that is supported by facts justifying an  
24 earlier presentation, the commanding officer, or the head of the prosecuting,  
25 code enforcement, law enforcement, corrections or detention agency, as  
26 applicable, or that person's designee, shall not file affidavits more often  
27 than quarterly.

28          D. On receipt of an affidavit or affidavits, the presiding judge of  
29 the superior court shall cause to be filed with the clerk of the superior  
30 court a petition on behalf of all requesting affiants. Each affidavit  
31 presented shall be attached to the petition. In the absence of an affidavit  
32 that contains a request for immediate action and that is supported by facts  
33 justifying an earlier consideration, the presiding judge may accumulate  
34 affidavits and file a petition at the end of each quarter.

35          E. The presiding judge of the superior court shall review the petition  
36 and each attached affidavit to determine whether the action requested by each  
37 affiant should be granted. The presiding judge of the superior court shall  
38 order the redaction of the residence address and telephone number from the  
39 public records maintained by the department if the judge concludes that this  
40 action will reduce a danger to the life or safety of the affiant or another  
41 person.

42          F. On entry of the court order, the clerk of the superior court shall  
43 file the court order with the department. No more than one hundred fifty  
44 days after the date the department receives the court order, the department  
45 shall redact the residence addresses and telephone numbers of the affiants

1 listed in the court order from the public records of the department. The  
2 residence addresses and telephone numbers shall not be disclosed and are not  
3 part of a public record.

4 G. If the court denies an affiant's request pursuant to this section,  
5 the affiant may request a court hearing. The hearing shall be conducted by  
6 the court in the county where the petition was filed.

7 H. On motion to the court, if the presiding judge of the superior  
8 court concludes that a residential address or telephone number has been  
9 sealed in error or that the cause for the original affidavit no longer  
10 exists, the presiding judge may vacate the court order prohibiting public  
11 access to the residential address or telephone number.

12 I. Notwithstanding sections 28-447 and 28-455, the department shall  
13 not release a photograph of a peace officer if the peace officer has made a  
14 request as prescribed in this section that persons be prohibited from  
15 accessing the peace officer's residential address and telephone number in any  
16 record maintained by the department.

17 J. This section does not prohibit the use of a peace officer's  
18 photograph that is either:

19 1. Used by a law enforcement agency to assist a person who has a  
20 complaint against an officer to identify the officer.

21 2. Obtained from a source other than the department.

22 K. For the purposes of this section:

23 1. "Code enforcement officer" means a person who is employed by a  
24 state or local government and whose duties include performing field  
25 inspections of buildings, structures or property to ensure compliance with  
26 and enforce national, state and local laws, ordinances and codes.

27 2. "Corrections support staff member" means an adult or juvenile  
28 corrections employee who has direct contact with inmates.

29 3. "Eligible person" means a peace officer, justice, judge,  
30 commissioner, public defender, prosecutor, code enforcement officer, adult or  
31 juvenile corrections officer, corrections support staff member, probation  
32 officer, member of the board of executive clemency, law enforcement support  
33 staff member, national guard member who is acting in support of a law  
34 enforcement agency, person who is protected under an order of protection or  
35 injunction against harassment, OR firefighter who is assigned to the Arizona  
36 counterterrorism center in the department of public safety ~~or victim of~~  
37 ~~domestic violence or stalking who is protected under an order of protection~~  
38 ~~or injunction against harassment.~~

39 4. "Law enforcement support staff member" means a person who serves in  
40 the role of an investigator or prosecutorial assistant in an agency that  
41 investigates or prosecutes crimes, who is integral to the investigation or  
42 prosecution of crimes and whose name or identity will be revealed in the  
43 course of public proceedings.

1           5. "Prosecutor" means a county attorney, a municipal prosecutor or the  
2 attorney general and includes an assistant or deputy county attorney,  
3 municipal prosecutor or attorney general.

4           6. ~~"Stalking" means the course of conduct prescribed in section~~  
5 ~~13-2923.~~

6           7. ~~"Victim of domestic violence" means a person who is a victim of an~~  
7 ~~offense defined in section 13-3601.~~

APPROVED BY THE GOVERNOR APRIL 28, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2008.



Passed the House March 19, 2008

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate April 21, 2008

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

22nd day of April, 2008

at 2:40 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 28 day of

Apr. 1 2008

at 10<sup>20</sup> o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 28 day of April, 2008

at 1:35 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2478